THE HONOURABLE SRI JUSTICE T.CH. SURYA RAO
AND
THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. Nos.24603 of 2001 and 5172 of 2002

COMMON ORDER: (Per Hon'ble Sri Justice T.CH. Surya Rao)

No representation for the petitioners.

The writ petitioners seek to assail the order dated 19-11-2001 passed by the learned Special Court under the A.P. Land Grabbing (Prohibition) Act, 1982 (for short 'the Act'), Hyderabad in L.G.C. No.22 of 1991.

The State filed L.G.C. No.22 of 1991 against the writ petitioners and another under Section 8 of the Act for eviction on the premise that they were the land grabbers. The land in dispute is covered by Survey No.129 of Shaikpet village. The total extent of the land covered by said survey number was Acs.3,097-39 guntas and the same was classified as *Kancha Tattikhana* (grazing land).

The only exception being the land covered by Survey Nos.129/2 to 129/10 admeasuring Acs.190-03 guntas, which stood registered as a private patta land, on the premise that the land in dispute was Government land and was squarely covered by Survey No.403, the State sought to file a land grabbing case against the respondents.

Respondents/claimants, resisting the application claiming *inter alia* that the 1st respondent purchased the land in dispute from one Syeeda Sultana W/o. Hameed Khan under a registered sale deed dated 07-03-1989 which includes a structure thereon and since the date of purchase, had been paying the property tax payable thereon and that the said land in dispute was situated in a slum area known as "Gowrishankar Nagar" wherein there has been as many as 320 houses and that it was not at all a Government property. Eventually after conducting enquiry,

the learned Special Court was of the view that the State was the owner of the application schedule property and the rival title set up by the respondents was not proved, consequently the respondents were held to be the land grabbers. The learned Special Court further rejected the plea for awarding compensation in lieu of the eviction and directed eviction of the respondents. Having been aggrieved by the said judgment, the respondents preferred

Civil Revision Petition No.670 of 1996 which was disposed of by this Court directing the Special Court to conduct an enquiry as contemplated under sub-section (7) of Section 8 of the Act,

after giving an opportunity to both the parties to adduce evidence, while upholding the finding of the Special Court on the question of title. After conducting enquiry, eventually the Special Court was of the view that it was neither desirable nor feasible to award any compensation against the Government in lieu of the eviction, having regard to the judgment of this Court, in ***M.R.O., Saroornagar Mandal Vs. Special Court under***

A.P. Land Grabbing (Prohibition) Act, wherein it was held that the Special Court has no power to award compensation to the applicant in lieu of eviction of the respondents from the schedule land.

Feeling aggrieved by the said judgment, the eventual finding of the Special Court on the point of compensation, the writ petitioners seek to file instant writ petition.

Sri L. Ravichander, learned counsel for the writ petitioners, appeared earlier, represented that the application filed by the writ petitioners for allotment of the land on payment of the market value as has been done by the State earlier in respect of other lands has been pending consideration by the authorities and has not been disposed of. In view of the said representation, this Court directed the learned Government Pleader to verify with the authorities about the pendency or otherwise of the representation said to have been filed by the writ petitioners. Despite several adjournments, it has not been stated before us about the disposal of the application. The learned Government Pleader represents that the matter requires a special committee to be constituted for considering such representations and seeks some more time for consideration of the said application.

Having regard to the pendency of the writ petition for the last more than five years and the point that is involved for determination is only in respect of consideration of the application filed by the writ petitioners and to pass appropriate orders thereon by the State, we are of the

considered view that it is not at all expedient to keep the writ petition pending for any more time and it is better to dispose of the same with a direction to the State to consider and pass appropriate orders on its own merits on the representation filed by the writ petitioners. It may be made clear that the case of the writ petitioners that the title in favour of the State has been determined long back and the said finding has been attained finality and having not been assailed the same by the writ petitioners in any Forum, the only question that remains to be considered is whether the applicants are entitled to be allowed to continue in the premises, although they are the land grabbers on payment of market value on equitable considerations. The decision is therefore left to the State to consider. The writ petitions therefore disposed of with a direction to the State to consider the representation filed by the writ petitioners which is pending with its authorities and pass appropriate orders thereon on its own merits within a reasonable time, preferably two months from the date hereof. Under the circumstances, no order as to costs.

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T.CH. SURYA RAO, J

Date: 23-10-2006

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G. CHANDRAIAH,

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